

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

LARRY MATTHEW PUCKETT

PETITIONER

VS.

CIVIL ACTION NO. 2:04CV302HSO

**CHRISTOPHER B. EPPS, Commissioner,
Mississippi Department of Corrections and
LAWRENCE KELLY, Superintendent,
Mississippi Department of Corrections**

RESPONDENTS

ORDER

In its consideration of the issues raised by the Petition for Writ of Habeas Corpus filed in this matter, the Court has reviewed the state court record submitted by the Respondents. To more fully consider those issues, the Court has determined that the jury questionnaires, which were available to counsel and the court during voir dire in the trial of this matter, contain information that is relevant to those issues. It is not clear to this Court whether all of the questionnaires were made a part of the state court record. It does appear that certain questionnaires were submitted as exhibits at the hearing that was conducted after this matter was remanded by the Mississippi Supreme Court for a hearing pursuant to *Batson v. Kentucky*, 476 U.S. 79 (1986). Those exhibits were numbered D-6 through D-11. However, the Court is of the opinion that it should review of all of the questionnaires, if they are available.

IT IS, THEREFORE, ORDERED that Respondents obtain and deliver to the a copy of all of the questionnaires that were submitted by persons who were summoned to serve as jurors in this matter. If those questionnaires have been destroyed or are for some other reason unavailable, a statement to that effect from the Circuit Clerk of Forrest County should be submitted. In that event, a copy of the questionnaires from the files of trial counsel may be substituted, so long as the parties

agree that they are copies are true and correct copies of the original questionnaires. In any event, Respondents shall submit Exhibits D-6 through D-7 that were admitted into evidence during the hearing held in this matter in the Circuit Court of Forrest County on August 3, 1999.

IT IS FURTHER ORDERED that these exhibits be delivered to this Court on or before March 9, 2009.

IT IS SO ORDERED, this the 11th day of February, 2009.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE